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July 29, 2021

Via ECF

Honorable Robert W. Lehrburger
United States Court House
500 Pearl Street
New York, New York 10007

Re: *Zhou v. NextCure, Inc.*, Case No. 1:20-cv-07772 (LTS) (RWL) (S.D.N.Y)

Dear Judge Lehrburger:

We represent defendants NextCure, Inc., Michael Richman, Steven P. Cobourn, Kevin N. Heller, David Kabakoff, Elaine V. Jones, Chau Q. Khuong, Judith J. Li, Briggs Morrison, Tim Shannon, Stephen Webster, and Stella Xu (the “NextCure Defendants”) in the above-captioned action. We write on behalf of all parties respectfully to request a continuance of the Initial Pretrial Conference currently scheduled for August 10, 2021. This is the parties’ second request for a continuance.

The claims Plaintiff asserts in this action, alleging violations of the Securities Act of 1933 and the Securities Exchange Act of 1934, are governed by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4, *et seq.*, which provides for a stay of discovery during the pendency of any motion to dismiss. Pursuant to a stipulated briefing schedule entered by this Court’s Order on December 18, 2020 (Dkt. 31),¹ the NextCure Defendants filed their motion to dismiss (Dkt. 39), and the Underwriter Defendants filed a notice joining the Defendants’ motion (Dkt. 42), on April 27, 2021. Briefing on Defendants’ motion to dismiss is now complete,² and Plaintiff and the NextCure Defendants have requested oral argument on the motion.

The parties have conferred and believe that postponement of the Initial Pretrial Conference and related submission of a case management plan until after Defendants’ motion to dismiss is resolved would be efficient for the Court and the parties. The parties therefore respectfully request that the Initial Pretrial Conference currently scheduled for August 10, 2021 be continued to a time and date that is convenient to this Court following the Court’s resolution of Defendants’ motion to dismiss.

¹ This Court’s December 18 Order also continued the Initial Pretrial Conference initially set for December 28, 2020 to August 10, 2021 (Dkt. 31; *see* Dkt. 29).

² Plaintiff filed her Opposition to the Motion to Dismiss on June 23, 2021 (Dkt. 47). On July 19, 2021, the NextCure Defendants filed their Reply and the Underwriter Defendants filed their Notice of Joinder in the NextCure Defendants’ Reply (Dkt. No. 48, 49).

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Respectfully submitted,

/s/ Christina L. Costley

Christina L. Costley

cc: All counsel of record, by ECF

Request granted. The initial pretrial conference currently scheduled for August 10, 2021 is adjourned sine die. Absent dismissal of the case in its entirety, the parties shall file a status report within seven days after entry of a decision on the motions to dismiss.

SO ORDERED:

7/30/2021


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE